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AUTHOR Butler, Dee
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ABSTRACT

Title IX, passed by the U.S. Congress in 1975 as part of the Education Amendments, is a public law that prohibits sex discrimination against students and employees and provides them with equal access to courses and to employment in education agencies, including public school systems. Designed to be used in conjunction with a video by the same title, this booklet provides a brief overview of the five areas that Title IX covers, specifically related to West Virginia public schools. (1) Each county must conduct a self-evaluation of policy and procedures, appoint a Title IX coordinator, and adopt and publicize a grievance procedure for students and employees. (2) No county may discriminate on the basis of sex in admitting students to any of its public schools. (3) Students, male and female, must be provided equal opportunity in being admitted to courses or curricular and extracurricular activities. They may be separated only during portions of courses that deal with human sexuality or during contact sports. They must be provided with unbiased counseling and testing. They may not be discriminated against if they are pregnant, if they are married, or if they are potential parents. (4) Males and females, either potential employees or those who are already employed in the public schools, should be afforded equal and fair treatment in all aspects of employment. (5) It is the responsibility of the Office for Civil Rights at the U.S. Department of Education to review the state and counties' Title IX programs. (JB)

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WHAT IS IT?

SO 020 710

TITLE IX: WHAT IS IT?

West Virginia Department of Education
Technical Assistance Program

Developed by
Dee Butler, Coordinator
Elimination of Sex Discrimination
West Virginia Department of Education

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Illustrations by Kathy Brown
West Virginia Department of Education

ADMINISTRATION FOR THE ELIMINATION OF SEX DISCRIMINATION

Tom McNeel, State Superintendent of Schools

James Smith, Deputy Superintendent of Schools

James Gladwell, Assistant State Superintendent of Schools
Bureau of Finance and Services

Carolyn Arrington, Assistant Bureau Chief
Bureau of Finance and Services

Dee Butler, Coordinator for Elimination of Sex Discrimination

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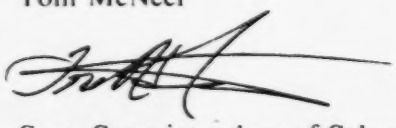
INTRODUCTION

Title IX is a Federal, Civil Rights Law that has required and continues to require both individual and institutional changes to bring about sex equity (e.g., providing the same opportunities) to students and employees in the 55 county public school systems in West Virginia. Since it is the mission of the West Virginia Board of Education to see that students and employees are given equal opportunity, it developed Policy 4200, "Provisions of Equal Opportunity in West Virginia Schools," in May, 1975, which in some instances provides more stringent guidelines than the Title IX law. State policy must be followed when it is more stringent.

This book was prepared to be used in conjunction with a Title IX video entitled: "Title IX: What Is It?" and provides additional information to the videotape. The booklet provides county Superintendents, county Title IX Coordinators, other educators, parents and the community at large with a brief overview of the five (5) sections covered by the law and provides related Title IX information. The accompanying video will provide questions and answers on what Title IX is, why it is important and what are some of the concerns of the State and County Title IX Coordinators in furnishing equal treatment to students and employees.

Tom McNeel



State Superintendent of Schools

TITLE IX: WHAT IS IT?

Title IX was developed as a part of the Education Amendments of 1972 in response to sex biases (e.g., assuming girls should become nurses and boys should become doctors) and sex discrimination (e.g., paying women less than men for similar work) perpetuated against women as well as men, and was passed by Congress in 1975. Title IX is a Public Law (92-318) that prohibits sex discrimination against students and employees and provides them with equal access to courses and to employment in education agencies, including public school systems. When female and male employees are encouraged to participate in inservices and workshops offered by your agency, they are being treated sex equitably.

Title IX covers five specific areas which are:

1. **General Requirements**

The general requirements of Title IX necessitated the 55 counties in West Virginia to implement, to follow and continue to follow certain procedural guidelines. These included that **each county must:**

- Do a self-evaluation of its policies and procedures to ascertain that the county is complying with Title IX.
- Appoint a Title IX Coordinator to direct the program and to coordinate the Title IX compliance efforts.
- Adopt and publicize a grievance procedure for students and employees. The grievance procedure assists in promoting communication between the school and its students and its employees.

After reviewing the general requirements, the next area of Title IX comes into play.

II. Admission

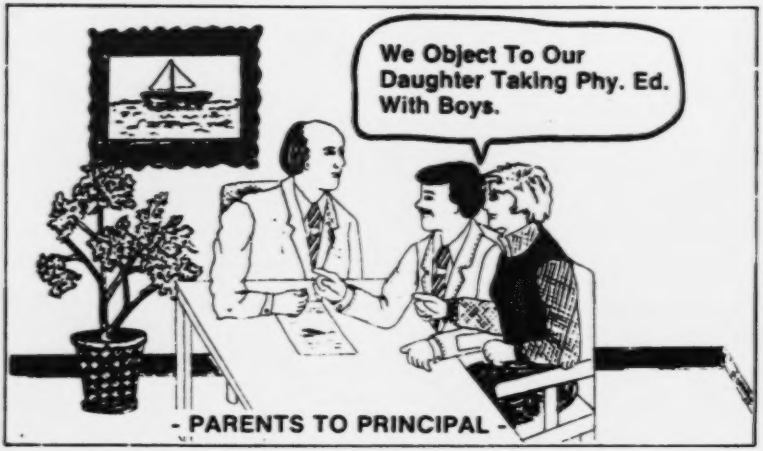
No county can discriminate on the basis of sex in admitting students to any of its public schools.

Admission in this instance refers to admission of students to vocational schools. The next section gives information on nondiscrimination of students in admission to courses as well as treatment.

III. Treatment of Students in:
Curricular and Extracurricular Activities

Students, whether female or male, **must be provided equal opportunity in being admitted to courses or curricular and extracurricular activities.**

However, parents have a right to object on religious grounds, to their daughter taking physical education with the boys as is indicated in the illustration below.



According to Policy Intrepretation No. 2 from the **Federal Register** (Vol. 43, No. 84, May, 1978): "Students who demonstrate that their religion prohibits [them from participating in] certain coeducation courses may be excused from such courses or offered them on a sex segregated basis." The State requires that all students (females and males) take physical education, and the content and length of time must be the same for all students.

Students may also be separated:

- Only during the portion of a course that deals with human sexuality and
- Only during the portion of a course that involves a contact sport.

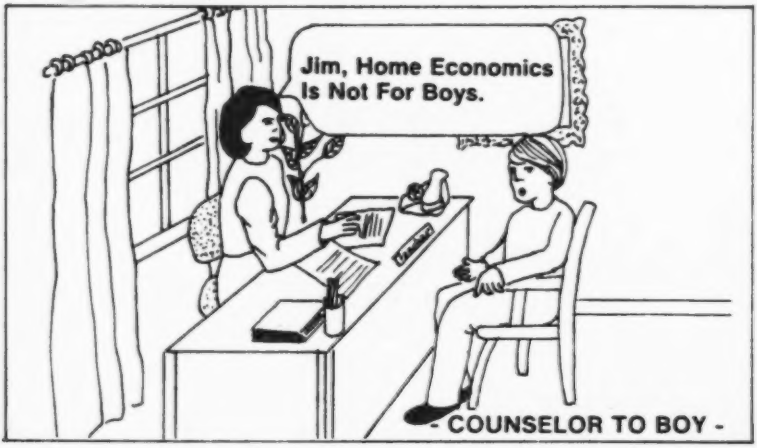
Schools must provide female and male students with equal access to facilities, equipment, games and practice times, supplies, coaching, publicity, per diem and travel allowances in extracurricular activities.

Schools should select sports that would accommodate the abilities and interests of both female and male students in order to avoid pitfalls. The levels of competition should also be a consideration in providing all students with equal opportunities in sports.

In addition to separating students only during the portion of a course involving human sexuality and a contact sport, students may also be separated when they are participating in school choruses when the choruses are based on quality and vocal range.

Treatment of Students in:
Counseling

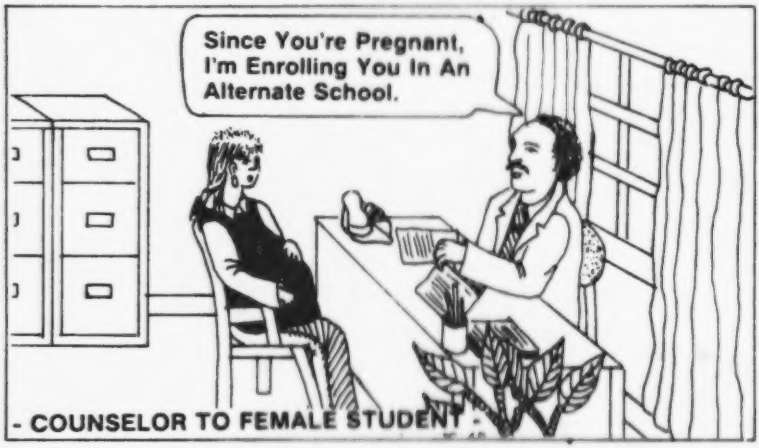
All students must be provided with unbiased counseling, testing, and counseling materials. For example, this hypothetical illustration shows biased counseling to the male student on the part of the counselor.



According to section 106.34 of Title IX, Jim cannot be denied access to any course he chooses to take, including home economics, or a program offering this course. Once he is in a home economics class, he may not be segregated on the basis of sex either.

Treatment of Students who are:
Pregnant

Students cannot be discriminated against if they are pregnant, if they are married or if they are potential parents. For example, the illustration below demonstrates gross discrimination against a pregnant student.

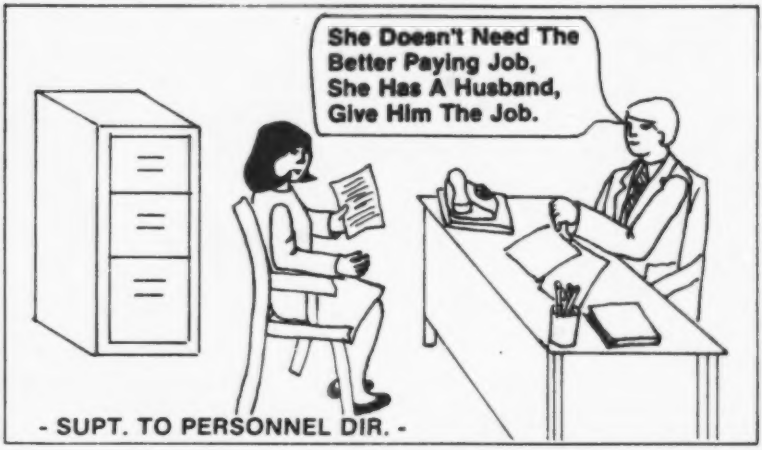


According to Section 106.40, **a pregnant student has a choice:** (1) she can choose to remain in the public school or (2) she can choose to attend an alternate school. She shall be treated as any other student with a temporary disability.

Title IX, in mandating equal treatment to students, provides a means whereby such students will be provided with equal opportunities to expand their potential for learning in all curricular and extracurricular areas (e.g., biology, mathematics, music, physical education, science and sports). Having briefly reviewed the treatment of students, we need to look at how people should be treated in employment.

IV. Employment

People (females and males) who are either potential employees or who are already employed in the public school systems in West Virginia should be afforded fair and equal treatment on the basis of sex in all aspects of employment according to Title IX. An example of sex discrimination in employment is shown in the illustration below.



According to Section 106.57 of the Title IX law, marital status cannot be considered in employing a person for a position. It is also discriminatory to pay women less for doing similar jobs (e.g., coaching).

If people are potential employees or employees who want to be considered for a better job, the jobs **shall be** advertised in a manner that does not exclude one sex or the other. The criteria for the position (including training and experience involved), the recruiting procedures and hiring practices **shall be** the same for females and males. In addition to equal pay for similar jobs for women and men, there **shall be** equal opportunity in job assignments, promotions, leaves and fringe benefits.

The final area to be discussed involves enforcement of the first four (4) areas:

- General requirements,
- Admissions,
- Treatment of students, and
- Employment.

V. Enforcement

It is the responsibility of the Office for Civil Rights at the U.S. Department of Education to review the State and Counties' Title IX programs. The Office for Civil Rights reviews approximately 10-15 counties per year in this State. It reviews the State about every two to three years. The Office for Civil Rights also investigates any Title IX complaints it receives from either individuals or groups in the county school systems or the State. If the Office for Civil Rights finds that a county or the State has violated Title IX, it will want to know:

- What the county or state plans to do about the violation, and
- How soon the violation will be resolved.

Should this process fail to resolve the complaint, an administrative hearing will be held by the Office for Civil Rights and the county or State that is in violation of Title IX may lose its Federal funding.

Although Title IX does not cover sex bias and sex stereotyping, West Virginia Policy 4200 states that:

> "Textbook committees shall recommend and county boards shall select those textbooks and materials which

accurately portray in concept, content and illustration, the heritage, roles, contributions, experience and achievements of both females and males in American and other cultures."

When the Office for Civil Rights reviews a county program, some of the things it looks for that are sex discriminatory are:

- Asking if a person is married or single on a job application,
- Having different policies for disciplining girls and boys,
- Not allowing girls to try out for a noncontact sport when no girls' team is provided, and
- Allowing only boys to practice sports during prime time.

The foregoing practices deprive students and employees of equal opportunites. We can change these types of practices by changing our expectations of students and employees. For example:

Expect students (girls and boys):

- To be verbal, artistic, mathematical and scientific;
- To write neatly;
- To use good grammar;
- To achieve in school; and
- To be mannerly and respectful of others.

Expect employees (women and men):

- With comparable education, training and experience (regardless of their marital status) to handle a given job;
- To be paid equally for similar work;
- To be advanced to better jobs when equally qualified;
- To behave in the same manner, to give and receive respect; and
- To get the same fringe benefits.

If these expectations are carried out, equal opportunities will be more apt to be provided to students and employees in the 55 public school systems in West Virginia.

Public school districts may seek additional assistance with Title IX from the people listed at these agencies:

WV Technical Assistance Office

Dee Butler, Coordinator
Elimination of Sex Discrimination
WV Department of Education
Building 6, Room B-252
1900 Washington Street E.
Charleston, WV 25305

Telephone: (304) 348-7864

The WV Technical Assistance Project staff provides public school districts with: Title IX information and resources to assist with eliminating sex biases, sex stereotypes and sex discrimination; Title IX training aimed at promoting sex equity to students and employees and designed to define Title IX Coordinator responsibilities; Title IX in-services on sex biases/attitudes, sex equitable counseling and testing, sex fair teaching practices, sex equity in employment; and Title IX compliance reviews of school districts prior to Office for Civil Rights Review

Regional Desegregation Assistance Center

Joyce Kaser, Director
Mid-Atlantic Center for Sex Equity
The Network, Inc.
5010 Wisconsin Avenue, NW, Suite 308
Washington, DC 20016

Telephone: (202) 885-8517

The Mid-Atlantic Center for Sex Equity staff provides "free services to help public schools to meet the requirements of Title IX (Education Amendments of 1972) and achieve sex equity in educational programs and activities and in employment. Services include diagnosing and evaluating Title IX compliance efforts; conferences and training; and dissemination of information and resources related to Title IX and sex equity."

Regional Technical and Assistance Office

Frank Wilson
Region III - Technical Assistance Office
U.S. Department of Education
2525 Market Street, P.O. Box 13716
Philadelphia, PA 19101

Telephone: (215) 596-4232

The Regional Technical Assistance staff (RTAS) provides information and materials to recipients (school districts) of Federal funds. The RTAS assist public schools with compliance of Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act (includes sex, race and handicapping) and the Vocational Education Program guidelines.

Finally, resource lists are available from the three agencies listed above upon request.

Tom McNeel
State Superintendent of Schools
West Virginia Department of Education